

EXHIBIT 70

<p style="text-align: right;">Page 85</p> <p>1 A. I'm not offended that they would share a 2 meal, because oftentimes that's the only time one 3 could connect with people with busy schedules.</p> <p>4 Q. Do you consider "wine and dine" as the 5 equivalent of "share a meal?"</p> <p>6 A. I would say that's sharing a meal. I don't 7 know what "wine and dine" means in this context.</p> <p>8 Q. You're familiar what that term generally 9 means; correct?</p> <p>10 MS. GASE: Objection, form.</p> <p>11 A. I've heard the term, certainly, sure.</p> <p>12 Q. And as a -- somebody who deals with words 13 and marketing, you understand "wine and dine" means 14 take out to fancy meals, have a nice bottle of wine, 15 things of this nature; correct?</p> <p>16 MS. GASE: Objection, form.</p> <p>17 A. I -- That is a reference that I've certainly 19 heard. I don't know. I wouldn't interpret it that 20 way. Have dinner, that's what I would interpret it 21 as.</p> <p>22 Q. So when you and your husband go to dinner 23 tonight, that's just -- that's wining and dining.</p> <p>24 MS. GASE: Objection to form.</p> <p>25 A. My husband and I don't go to dinner; we have</p>	<p style="text-align: right;">Page 87</p> <p>1 forced-air warming or the category of patient warming 2 were reviewed by our clinical team to see what the 3 content is, what the findings and conclusions were, 4 how the studies were conducted, but no, that is not my 5 experience, that we were discrediting. 6 (Discussion off the stenographic record.) 7 (Exhibit 189 was marked for 8 identification.)</p> <p>9 BY MR. FARRAR:</p> <p>10 Q. I'm handing you what's been marked as 189, 11 which begins with 2433. I'll give you a chance to 12 read that.</p> <p>13 Have you had a chance to review it?</p> <p>14 A. I have.</p> <p>15 Q. Okay. Do you remember this issue?</p> <p>16 A. I don't.</p> <p>17 Q. Do you remember the papers that are being 18 discussed?</p> <p>19 A. In the course of looking at this I see that 20 there are papers that were being discussed.</p> <p>21 I had just returned from maternity leave at 22 that point.</p> <p>23 Q. Okay. Sitting here today, do you have any 24 recollection or any knowledge of what paper this 25 exhibit is discussing?</p>
<p style="text-align: right;">Page 86</p> <p>1 two small children, so --</p> <p>2 Q. Fair enough.</p> <p>3 A. -- irrelevant.</p> <p>4 Q. Fair enough. And I like the witness making 5 her own objections.</p> <p>6 My point is "wining and dining" has a 7 specific meaning over and above just going to dinner; 8 correct?</p> <p>9 MS. GASE: Objection, asked and answered.</p> <p>10 A. It --</p> <p>11 Certainly, "wine and dine" has a meaning, 12 yes. I -- I don't know in this case at all what it 13 refers to, but --</p> <p>14 Q. I want to talk about what the company would 15 do when it either knew of literature that was going to 16 be negative to forced-air warming or something was 17 published negative to forced-air warming. Okay?</p> <p>18 A. Yes.</p> <p>19 Q. That's the topic.</p> <p>20 You're aware in your time at the company 21 that one of the things that would happen would be to 22 try to discredit the author; correct?</p> <p>23 MS. GASE: Objection, form, asked and 24 answered, lack of personal knowledge.</p> <p>25 A. That is not my experience. Any studies on</p>	<p style="text-align: right;">Page 88</p> <p>1 A. I don't have recollection.</p> <p>2 Q. Okay.</p> <p>3 A. It says Anesthesia & Analgesia.</p> <p>4 Q. Okay. Mr. Bergstrom is the one who sent 5 that to you on October 23rd 2008; correct?</p> <p>6 A. Correct.</p> <p>7 Q. And he came across this upcoming paper 8 that's going to be published in about a week; right?</p> <p>9 A. Yes, that's what it states.</p> <p>10 Q. Okay. Five hours later you respond to Mr. 11 Bergstrom and copy some other folks and you say, "It 12 seems we should have some talking points to address 13 the findings." Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. So you, within five hours after receiving 16 the paper, were already wanting to develop talking 17 points on how you'd discredit the findings; correct?</p> <p>18 MS. GASE: Objection, form.</p> <p>19 A. Not discredit the findings. To analyze the 20 findings, the clinical and research teams would do 21 that.</p> <p>22 Q. The talking points specifically is the 23 things that your sales force can use to lessen the -- 24 the blow of -- of the article; correct?</p> <p>25 MS. GASE: Objection, form.</p>